

RESOLUTION NO. A-_____

1 WHEREAS, the City Council did on June 28, 2004 pass an ordinance prohibiting
2 smoking in indoor public places and places of employment by adopting Ordinance No. 18396
3 creating a new Chapter 8.50 to the Lincoln Municipal Code known as the Lincoln Smoking
4 Regulation Act; and

5 WHEREAS, pursuant to Article IV, Section 23 of the Charter of the City of Lincoln,
6 a sufficient number of referendum petitions were received within the required time from
7 qualified City voters protesting against the passage of Ordinance No. 18396, thereby suspending
8 such Ordinance from going into operation and requiring the City Council to either repeal said
9 Ordinance in its entirety or submit the same to the voters; and

10 WHEREAS, the City Council declined to repeal said Ordinance in its entirety.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
12 Nebraska:

13 1. That pursuant to Article IV, Section 23 of the Charter of the City of Lincoln,
14 Ordinance No. 18396 creating a new Chapter 8.50 to the Lincoln Municipal Code known as the
15 “Lincoln Smoking Regulation Act” which act prohibits smoking in public places and places of
16 employment shall be submitted to a vote for adoption or rejection by the qualified electors of the
17 City of Lincoln at a special election to be held on Tuesday, the 2nd day of November, 2004.

18 Said proposition shall be printed on the ballot in the following form:

19 **REFERENDUM ON ORDINANCE NO. 18396 WHICH**
20 **CREATED A NEW CHAPTER 8.50 TO THE LINCOLN**
21 **MUNICIPAL CODE, KNOWN AS THE LINCOLN**
22 **SMOKING REGULATION ACT, WHICH ACT MAKES IT**
23 **UNLAWFUL FOR ANY PERSON TO SMOKE INSIDE A**
24 **PLACE OF EMPLOYMENT OR A PUBLIC PLACE AND**
25 **MAKES IT UNLAWFUL FOR A PROPRIETOR TO**

1 **ALLOW SMOKING IN A PLACE OF EMPLOYMENT OR**
2 **PUBLIC PLACE AND WHICH ORDINANCE ALSO**
3 **REPEALED LINCOLN MUNICIPAL CODE CHAPTER 8.48,**
4 **KNOWN AS THE LINCOLN SMOKE FREE AIR ACT, IN**
5 **ITS ENTIRETY, WHICH ACT ALSO PROHIBITS**
6 **SMOKING IN INDOOR PUBLIC PLACES AND PLACES**
7 **OF EMPLOYMENT BUT PROVIDED EXCEPTIONS**
8 **THERE TO.**

9 9 I vote FOR adopting Ordinance No. 18396 which prohibits smoking in indoor
10 public places and places of employment.

11 9 I vote AGAINST adopting Ordinance No. 18396 which prohibits smoking in
12 indoor public places and places of employment.

13 2. That the City Clerk of the City of Lincoln is hereby directed to publish with
14 official certification, a copy of Ordinance No. 18396 once in each of the daily newspapers of
15 general circulation in the City, such publication to be not more than 20 nor less than five days
16 before the submission of the Ordinance to the electors.

17 3. That the Mayor is directed to proclaim and give notice that at the special election
18 to be held in the City of Lincoln, Nebraska, on Tuesday, the 2nd day of November, 2004 in
19 conjunction with the Statewide general election, there will be submitted to the qualified electors
20 of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in paragraph
21 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

22 4. That the City Clerk of the City of Lincoln is further directed to notify the Election
23 Commissioner of Lancaster County of the submission of this proposition, and to procure the
24 necessary ballots and make all other necessary arrangements for the same.

Introduced by:

Approved as to form and legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor